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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,949	11/26/2003	Stephen Gold	100204298-1	9416

7590 06/08/2009  
HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER
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DANG, THANH HA T

ART UNIT	PAPER NUMBER
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2163

MAIL DATE	DELIVERY MODE
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06/08/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/723,949	<b>Applicant(s)</b> GOLD ET AL.	
	<b>Examiner</b> Thanh-Ha Dang	<b>Art Unit</b> 2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-39 and 42 is/are pending in the application.
- 4a) Of the above claim(s) 2,40 and 41 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-39 and 42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### **DETAILED ACTION**

1. Claims 1, 3-39 and 42 are pending in this Office Action.
2. Applicant cancelled Claims 2 and 40-41.

### ***Response to Amendment***

3. Receipt of Applicant's Amendment filed on 04/03/09 is acknowledged.
4. Claim Rejections – 35 USC § 101 regarding Claim 19, Claim Rejections – 35 USC112 (1<sup>st</sup>) regarding Claims 12, 11, 15, 19 and 23, Claim Rejections – 35 USC112 (2<sup>nd</sup>) regarding Claims 3-10, 12-14, 16-18 and 31-39 are withdrawn based on Applicant's Amendment filed on 04/03/09.

### ***Claim Objections***

5. Claim 16 is objected to because of the following informalities:
  - Claim 16 recites “a database” that seems to be “the tracking database”.
  - Claim 19 recites “... diskette that stores ...; determine that the ...”, wherein the term “that” is not needed.
  - Claim 19 recites “one of a plurality of storage devices”, “the one of the storage devices”, please be consistent for proper antecedent basis and clarity.
  - Claim 23 recites “one of a plurality of storage devices”, “the one of the storage devices”, please be consistent for proper antecedent basis and clarity.

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- Claim 23 recites “determine, that the one of the storage devices has insufficient storage capacity to store the delta version; and” that it is recommended to rewrite **to** “*determine the one of the plurality of storage devices having insufficient storage capacity to store the delta version;*” for clarity and proper antecedent basis.
- Claim 27 recites “... stored location<sub>1</sub> of the delta version ...”, wherein the comma punctuation is not needed.
- Claim 42 recites “... that is configured ...”, wherein the term “that is” is not needed.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites the term “limits” that is not clear what limits are.

Claim 15 recites the limitations “the analysis of the information ... the storage devices ...” that are insufficient antecedent basis for these limitations in the claim.

Claim 15 recites "... a tracking the processing ..." that seems something missing, and therefore the claim failed to distinctly claim the subject matter which applicant regards as the invention.

Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 19 recites the term "a status" that is not clear what status is described (e.g., storage, capacity, availability, etc.).

Claim 19 recites the limitations "... the processor-usable tangible medium ..." that is insufficient antecedent basis for this limitation in the claim.

Claim 19 recites the limitations "... query a tracking database ..." that is improper antecedent basis for this limitation in the claim.

Claim 23 recites the limitations "... querying a tracking database of the cell manager ..." that is improper antecedent basis for this limitation in the claim.

Claim 30 recites "... the analyzing determining ..." that seems something missing, and therefore the claim failed to distinctly claim the subject matter which applicant regards as the invention.

Claim 37 recites the limitations "... the processor-usable medium ..." that is insufficient antecedent basis for this limitation in the claim.

Claim 38 recites the limitations "... the code ..." that is insufficient antecedent basis for this limitation in the claim.

Claim 39 recites the limitations "... the processor-usable medium ..."  
that is insufficient antecedent basis for this limitation in the claim.

***Allowable Subject Matter***

7. Claims 1, 3-39 and 42 would be allowable if rewritten or amended to overcome the claims objection, the rejection(s) under 35 U.S.C. 112 (2nd Paragraph), set forth in this Office action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh-Ha Dang whose telephone number is 571-272-4033. The examiner can normally be reached on Monday-Friday from 9:00 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197

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(toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thanh-Ha Dang  
Examiner, AU 2163

/Wilson Lee/  
Primary Examiner, Art Unit 2163

June 8, 2009